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Attorneys for Defendant Costco Wholesale Corporation

17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA

21 SHIRLEY "RAE" ELLIS, et al., )  
 22 )  
 Plaintiffs, )  
 23 )  
 v. )  
 24 COSTCO WHOLESALE CORPORATION )  
 25 )  
 Defendant. )  
 26 )

Case No. C04 3341 EMC  
**SUPPLEMENTAL JOINT CASE  
 MANAGEMENT STATEMENT**  
 ORDER RESETTING STATUS CONFERENCE  
 Date: January 17, 2013  
 Time: 10:30 a.m.

1           The parties submit this Supplemental Joint Case Management Statement. The parties  
2 have no disputes to present to the Court at this time and suggest the Court may want to continue  
3 the case management conference to February 7, when further developments may warrant the  
4 Court's attention.

5 **CURRENT PROCEDURAL POSTURE**

6           Costco's Rule 23(f) request, which Plaintiffs have opposed, remains pending in the Ninth  
7 Circuit. Other background information on the case appears in the Joint Report that was filed on  
8 November 2, 2012. This Report covers interim developments.

9 1. Class Notice

10           The class administrator sent notice to 1258 individuals on December 27, 2012. The opt-  
11 out deadline is February 11, 2013.

12 2. ESI Discovery

13           The parties will confer to discuss ESI discovery issues, in accordance with the Northern  
14 District's model document, on January 16, 2013.

15 3. Other Discovery

16           The parties have submitted a discovery plan. Costco is updating electronic data and  
17 producing personnel files for individuals with U.S. warehouse Staff Manager experience since  
18 January 1, 1999.

19 4. Settlement.

20           The parties have mediated with private mediator Mark Rudy. They believe any future  
21 mediation would be most productive with him as opposed to another mediator. They are  
22 discussing whether they believe future mediation would be productive and will be prepared to  
23 make a recommendation at the case management conference.

24 5. Trial and pre-trial dates.

25           The Court's order of November 13, 2012, Docket 699, established these dates:

- 26 •       Jury trial date: January 21, 2014, at 8:30 a.m.

27  
28

- 1 • Final pretrial conference: January 7, 2014
- 2 • Dispositive motion cutoff (for motions to be heard): October 31, 2013
- 3 • Nonexpert discovery cutoff: August 9, 2013
- 4 • Expert reports: opening reports by August 9, 2013 and rebuttals by August 30, 2013
- 5 • Expert discovery cutoff: September 20, 2013
- 6 6. Next case management conference.

7 The parties propose March 21, 2013, at 10:30 a.m.

9 DATED: January 10, 2013

THE IMPACT FUND

11 By /s/ Jocelyn D. Larkin  
12 Jocelyn D. Larkin  
13 Attorneys for Plaintiffs

14 DATED: January 10, 2013

SEYFARTH SHAW LLP

16 By /s/ David D. Kadue  
17 David D. Kadue  
18 Attorneys for Defendant  
COSTCO WHOLESALE CORPORATION

19 Additional Counsel for Plaintiffs:

21  
22 IT IS SO ORDERED that the status is reset from  
23 1/17/13 to 3/21/13 at 10:30 a.m. An updated  
24 joint status report shall be filed by 3/14/13.

25 \_\_\_\_\_  
26 Edward M. Chen  
27 U.S. District Judge



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